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CLIENT/MATTER NAME U.S. Patent Application No. 09/924,312

CLIENT/MATTER NO. 448563/0198

MESSAGE

CONFIDENTIAL

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Docket No.
448563/0198IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Kazuhiko Hara, et al.**
Serial No.: **09/924,312** Art Unit: **2861**
Filed: **August 7, 2001** Examiner: **Anh T.N. Vo**
For: **INK CARTRIDGE FOR INK JET RECORDER AND
METHOD OF MANUFACTURING THE SAME**

Date: October 24, 2003

REQUEST FOR REFUND
(37 C.F.R. § 1.26)

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the reasons set forth below, Applicant respectfully requests a refund in the amount of \$520.00 for an extension fee erroneously deducted by the Director on July 11, 2003, from the undersigned's Deposit Account No. 19-4709 in connection with the subject application.

This request is made pursuant to 37 C.F.R. § 1.26, and is being submitted within two years of the payment of the fees for which a refund is now sought. In accordance with 37 C.F.R. § 1.26(b) copies of the deposit account statements for the period in question, June and July, 2003, indicating the disputed charges (July 11) are annexed at Tab A.

Applicants will now explain why the amount of the fee in question (\$820) was in error, and only \$300 should not have been deducted.

The \$820 fee in question is associated with fee code #1253, the code for a three month extension of time (large entity), and it is understood that this fee was deducted because a Request for Continued Examination ("RCE") was allegedly filed within the third month's

extended period for reply. However, because an extension fee for a one month extension was previously paid, and because the papers were filed within the second month's extension, only a \$300 fee was due.

The relevant events during prosecution of this application follow:

On January 28, 2003, an Office Action setting a shortened three-month period for response was mailed. Thus, the unextended due date for response fell on April 28, 2003. For convenience, a copy of the cover page of the Office Action is annexed at Tab B.

On May 28, 2003, Applicants filed a Petition for Extension of Time (1 month) and an Amendment After Final Rejection responding to the January 28 Office Action. These papers were filed by facsimile, in accordance with the provisions of 37 C.F.R. § 1.8. Copies of the Petition, Certificate of Transmission under 37 C.F.R. § 1.8, and facsimile confirmation sheet are annexed at Tab C.

As shown on the annexed June 2003 Deposit Account statement (Tab A), the fee for the one month extension of time, in the amount of \$110, was deducted on June 5, 2003.

On June 30, 2003, within two months after the shortened three month period for response to the outstanding Office Action (June 28 being a Saturday, the due date for response extends to Monday, June 30. 37 C.F.R. § 1.7(a)), Applicants filed a Request for Continued Examination and a Petition for Extension of Time seeking a second month's extension, in accordance with the provisions of 37 C.F.R. § 1.8. Copies of the Petition, Certificate of Transmission under 37 C.F.R. § 1.8, and facsimile confirmation sheet are annexed at Tab D.

With reference to the second Petition for Extension of Time, it should be noted that the Director was authorized to charge the amount of \$300 to the undersigned's Deposit Account,

this being the difference between the \$410 fee required for a two month extension of time and the \$110 already paid with the earlier Petition filed on May 28, 2003.

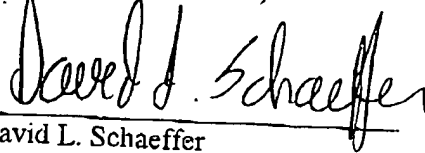
As noted above, on July 11, a fee in the amount of \$820 was deducted in this application - however, this amount of this fee is in error because Applicant's Request for Continued Examination was timely filed on June 30, 2003, within the two-month extended period for response to the Office Action, meaning only the \$410 fee for a two month extension of time was due. Apparently, through PTO error, the Request for Continued Examination was not accorded the correct June 30 filing date.

Applicants therefore respectfully request a refund in the amount of \$520.00, this being the difference between the extension fee charged (\$820) and the extension fee which was due (\$300, \$110 having been previously paid).

Please credit this \$520.00 refund to the undersigned's deposit account no. 19-4709 and send confirmation of the same to Applicants' undersigned attorney.

If there are any questions, please kindly contact Applicant's undersigned attorney at the address below.

Respectfully submitted,



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